

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 4-6 are in this application.

Claims 2 and 3 were rejected under 35 U.S.C. 102(b) as being anticipated by Wakui, U.S. Patent 5,648,816. Claims 2 and 3 are canceled.

Claims 2-4 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,184,922 to Saito et al. As previously mentioned, claims 2 and 3 have been canceled. Claims 5-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,184,922 to Saito et al.

Accordingly, in rejecting claims 4-6, the Examiner relies on Saito. However, as hereinbelow more fully described, Saito is not believed to be an effective reference against the present application.

Saito (6,184,922) was filed in the U.S. on July 30, 1998. The present application, on the other hand, has claimed priority under 35 U.S.C. §119 based upon foreign application 10-211530 filed on July 27, 1998 in Japan. A certified copy of such foreign application was filed in the present application. An acknowledgement of such claim of priority and certified copy is provided on page 1 of an Office Action mailed April 24, 2003. A Certified English-language translation of this priority application (i.e., 10-211530) accompanies this amendment.

Accordingly, the present application has an effective filing date that antedates the filing date of Saito. As a result, it is respectfully submitted that Saito is not an effective prior art reference against the present application.

Accordingly, withdrawal of the above-described §102 and §103 rejections based on Saito are respectfully requested.

Furthermore, although the Applicant have asserted that Saito is not an effective reference against the present application, such assertion is not a representation concerning distinctions and/or similarities between the present invention and Saito. Applicants reserve their right to traverse any further rejection that may be presented on a similar document and having an earlier effective date.

In view of the foregoing, entry of this amendment and these remarks and withdrawal of the rejection of claims 4-6 and the allowance of this application with claims 4-6 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", is written over a horizontal line.

Darren M. Simon
Reg. No. 47,946
(212) 588-0800